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**From:** Fritz Daily [buttedaily@bresnan.net]  
**Sent:** 12/19/2018 7:56:37 PM  
**To:** David McCumber [david.mccumber@mtstandard.com]; Benevento, Douglas [benevento.douglas@epa.gov]; Mary Jo McDonald [mjomcd@gmail.com]  
**Subject:** Fw: Commissioner Anderson Superfund 101

David, Doug and Sister,

I was cutting and pasting to complete this email and cut off your name. Hope you find this useful.

Fritz

**From:** Fritz Daily

**Sent:** Wednesday, December 19, 2018 12:07 PM

**To:** Dan Strizic ; Dan Callahan ; Dan Olsen ; dpalmer@bsb.mt.gov ; jfisher@bsb.mt.gov ; Josh O'Neill ; Michelle Shea ; John Sorich ; John Morgan ; banderson@bsb.mt.gov ; dfoley@bsb.mt.gov ; bmcdonough@bsb.mt.gov ; Shawn Fredrickson ; Erik Mankins

**Cc:** Julia Crain ; Ron Davis ; SJudd@Maryknoll.org ; Sophie (Daines) Miller ; Andrew Mutter ; Andrew Mutter ; Erik Nylund ; Al Beavis ; Amanda Curtis ; Angela McLean ; Bill Macgregor ; Bob McCarthy ; buttectec@hotmail.com ; Carole Murphy ; chad6066@yahoo.com ; Cindy (Daines) Perdue-Dolan ; COkrusch@mttech.edu ; Dan Olsen ; Daniel Hogan ; david williams ; Don Peoples ; Don Petritz ; Clark Grant ; Doug Coe ; Dr. Dan Harrington ; Ed Simonich ; Elizabeth Erickson ; emmett.riordan@northwestern.com ; eric.whitney@mso.umt.edu ; evanbutte@bresnan.net ; fiskcm@butte.k12.mt.us ; Holly Peterson ; Harley Harris ; JAMES Madison ; Jerry Sullivan ; Jim Kambich ; Jim Keane ; Jim Robbins ; JMetesh@mttech.edu ; John Emeigh ; John Malia ; John McKee ; John Sorich ; Joselyn Dodge ; ksullivan@bsb.mt.gov ; Larry Curran ; Marcus Stern ; Mark Sweeney ; Matt Volz ; Mick Ringsak ; mike.smith@mtstandard.com ; Nora Saks ; ochenski@mt.net ; Patrick Beretta ; Patrick Dudley ; r\_mclaughlin@bresnan.net ; Rich Day ; Rick Walsh ; tlonner@gmail.com ; Vince Fischer ; Jim Goetz ; Nick Home ; Amanda Casey ; Pam Haxby-Cote ; John Ray ; George Waring ; Lynn Ferguson ; Katie Hailer ; Katie Hailer ; Michaelynn Hawk ; Grant Mitman ; David Hutchins ; Kris Douglas ; Noor Parwana ; Nick Tucci ; Mary Kay Craig ; Susan Dunlap ; Ted McDermott ; Dan Strizic ; dfoley@bsb.mt.gov ; David Hoffman

**Subject:** Commissioner Anderson Superfund 101



***Fritz Daily***  
***1901 Roosevelt Ave.***  
***Butte, MT 59701***

December 19, 2018

Butte Silver Bow Council of Commissioners:

My purpose of sending this email is because of a discussion I had yesterday with Commissioner Bill Anderson. We discussed the various elements related to Butte Superfund issues and the Superfund law. In particular, the difference between remediation and restoration.

As I told Bill, "I believe the next Council of Commissioners will make what I believe will be one of the most important, if not the most important decision ever, concerning the economic, environmental and social future in Butte's 100+ year history!"

I explained to Bill that a few years back Ellen Crain the Executive Director of the Butte Silver Bow Archives asked me to write a historical report concerning my involvement with Butte Superfund issues. While I do not know the ultimate significance of my involvement, Ellen believes because of my active involvement that I had not only a responsibility, but also an obligation, to document my historical involvement and to tell my story. I wrote my story in a report titled—The Berkeley Pit---An Ecological Time Bomb! I began my report by outlining what I called *Superfund 101* that I told Bill I would share with all of you. It is attached and I hope you find it of interest.

Let me preface this email by stating as I did in Council Presentations on 3-15-2017 requested by Commissioners Fisher and Perdue/Dolan, on 1-19-2016 as requested by Commissioner Foley and McDonough, and as far back as in the early 2000's as requested by Chief Executive Jack Lynch in making presentations to the Council. As I stated at the beginning of each of these presentations;

- First of all I come before you as your friend and definitely not your enemy.
- I have nothing to gain or lose in this process other than to make Butte a more environmentally safe place to live for future generations.
- I have a great deal of historical knowledge and continued involvement and knowledge that I am pleased to share with the Council. I served in the Legislature when the Anaconda Smelter was closed, the Mines were finally closed, the Berkeley Pit was closed, the underground pumps were shut off in the Kelley Mine and when the East Continental Pit was closed in 1983. At that point Anaconda/Atlantic Richfield/British Petroleum Company no longer had an active presence in the community.
- As a result of these closings, the Atlantic Richfield/British Petroleum Company is totally responsible under Superfund Law for the responsible cleanup and restoration of the Community.
- I truly believe the Department of Environmental Quality and the Environmental Protection Agency have failed this community, and have not performed their legal and Constitutional requirements, to provide a responsible cleanup and restoration of Silver Bow Creek flowing through Butte, the Butte Hill and the Berkeley Pit and the Montana Pole Site.

**I can state without reservation, that there is absolutely no question the Agreement in Principle and the eventual Consent Decree on Butte Priority Soils, as presented to you a couple of weeks ago at the request of Commissioner Strizic, do not provide what Butte is guaranteed and is entitled to under Superfund/State Laws and the Montana Constitution. Butte just deserves better! I strongly believe the current decision on Butte Priority Soils, and in particular the cleanup and restoration of Butte's Silver Bow Creek, is a bad decision and is "etched in stone" and "what you see is what you get"! That is a tragedy for this community's future!**

As I looked back on my involvement in preparing my historical report for the Butte Archives one fact came to the surface that led me to understand the difficulty the Council and in particular Butte folks have with becoming involved and trying to influence the Superfund cleanup and restoration process. **That difficulty can be summed up in one word, and that word is--TRANSPERANCY!**

**The "closed door secret meetings" conducted between the Local Government folks; the EPA and the State with Arco/BP have not been good or productive for this community or for its future! I for one, and I believe the community; have lost total faith in the process.**

If you find this email worthwhile, I would be happy to share additional info in person or in emails. It is imperative that you become as knowledgeable as possible. **Your vote on the future Consent Decree will unequivocally determine the economic, environmental and social future of Butte Montana!**

I am sharing this email with other interested folks in the community

Fritz Daily